

**STATE OF INDIANA
BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION**

IN THE MATTER OF)
THE PERMIT OF)
)
TERRANCE E. HOOVER)
622 SOUTH STREET, APT. 5)
LAFAYETTE, INDIANA 47901)
)
Applicant.)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On or about May 14, 2005, Terrance E. Hoover (“Applicant”) filed an Alcohol and Tobacco Commission application for employee permit (“Application”). Application was subsequently rejected by the Alcohol and Tobacco Commission (“ATC”) because the Applicant marked “No” to a question “Have you ever been convicted of operating while intoxicated in Indiana or any other states?” on his Application when in fact, the Applicant was convicted of driving while intoxicated, Class C Misdemeanor, on September 16, 2003. On or about May 25, 2005, Jennifer Drewry, the Prosecutor for the ATC, imposed a fine of One Hundred Dollars (\$100.00) against the Applicant for falsifying his Application in exchange for issuance of Applicant’s employee permit (“Offer”). Applicant rejected the Prosecutor’s Offer and requested a hearing.

This matter was assigned to the ATC Hearing Judge U-Jung Choe (“Hearing Judge”) and a hearing was conducted on April 17, 2006. The ATC was represented by its Prosecutor Jennifer Drewry. Permittee was not present. A witnesses was sworn, evidence was heard, and the Hearing Judge took the matter under advisement. The Hearing Judge now tenders her proposed Findings of Fact and Conclusions of Law to the Commission for its consideration.

1. The Application was rejected by the ATC because the Applicant had failed to disclose his prior conviction for driving while intoxicated. (ATC File; Testimony of Jackie Robbins; Indiana Bureau of Motor Vehicle Record, May 25, 2005).
2. It is unlawful for an applicant to falsify any information related to an alcoholic beverage permit. Ind. Code § 7.1-5-6-4.
3. Applicant is disqualified holding an ATC permit. *Id.*; see also Ind. Code § 7.1-3-4-2(2)(A).
4. Applicant was aware of today's court date (United States Postal Service mailing receipt).

WHEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that the Applicant in this matter is disqualified from holding an ATC permit.

DATED: April 18, 2006

U-Jung Choe, Hearing Judge